

REMARKS

In response to an Official Action dated December 21, 2004, Applicant respectfully submits the following remarks.

This application contains claims 1-69, all of which were rejected in the present Official Action. Reconsideration is respectfully requested in view of the remarks presented below.

Claims 1, 2, 17-19, 23, 24, 39-41, 45, 46, 61-63 and 67-69 were rejected under 35 U.S.C. 103(a) over SunHPC (*Sun HPC ClusterTools™ 3.1 Administrator's Guide*) in view of Miller et al. (U.S. Patent 6,625,639). Applicant respectfully traverses this rejection. Miller was filed November 12, 1999, but published only on September 23, 2003, when it issued as a patent. Therefore, Miller would qualify as prior art against the present patent application only via 35 U.S.C. 102(e). Applicant notes, however, that at the time the present invention was made, the inventors were employees of International Business Machines Corporation (IBM) and were subject to an obligation to assign the invention to IBM. Such an assignment has been duly recorded in the USPTO. Miller is likewise assigned to IBM. Therefore, under the provisions of 35 U.S.C. 103(c), Miller is disqualified as prior art against the present patent application, and the rejection of the claims under 35 U.S.C. 103(a) should be withdrawn.

Claims 3-16, 20-22, 25-38, 42-44, 47-60 and 64-66 were rejected under 35 U.S.C. 103(a) over SunHPC in view of Miller and further in view of SunSoft and/or Bober (U.S. Patent 6,718,372). Under the provisions of 35 U.S.C. 103(c), the rejection of these claims should be withdrawn, as well.

Appln. No. 09/887,576
Amd. dated March 15, 2005
Reply to Office Action of December 21, 2004

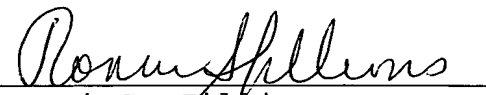
Applicant has studied the additional references made of record by the Examiner, and believes the claims in the present patent application to be patentable over these references, as well, whether taken singly or in any combination.

Applicant believes the remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these remarks, applicant respectfully submits that all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

If the Examiner has any questions he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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